

FIRST REGULAR SESSION

SENATE BILL NO. 603

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DAYS.

Read 1st time February 27, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2474S.011

AN ACT

To repeal sections 454.511, 454.390, 454.440, 454.455, 454.460, 454.470, 454.480, 454.496, 454.810, and 511.350, RSMo, and to enact in lieu thereof nine new sections relating to child support enforcement, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 454.511, 454.390, 454.440, 454.455, 454.460, 454.470, 2 454.480, 454.496, 454.810, and 511.350, RSMo, are repealed and nine new 3 sections enacted in lieu thereof, to be known as sections 313.818, 454.511, 4 454.390, 454.440, 454.455, 454.460, 454.470, 454.496, and 511.350, to read as 5 follows:

313.818. 1. The Missouri gaming commission is authorized, in 2 accordance with this section, to intercept excursion boat gambling 3 winnings of an individual owing past-due support or state debt being 4 enforced by the family support division, and to transmit such winnings 5 to the family support payment center for distribution.

2. An excursion gambling boat shall not pay to any individual 6 gambling winnings meeting the criteria for reporting to the Internal 7 Revenue Service under section 6041 of the Internal Revenue Code of 8 1986 until the gambling establishment:

10 (1) Has furnished to the Missouri gaming commission:

11 (a) The information required to be so reported with respect to 12 such individual and such winnings; and

13 (b) The net amount of such gambling winnings, hereafter in this 14 section referred to as the net gambling winnings, after withholding of 15 amounts for federal taxes as required under section 3402(q) of the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 Internal Revenue Code of 1986; and

17 (2) Has complied with the Missouri gaming commission's
18 instructions under subsection 3 of this section.

19 3. The Missouri gaming commission shall:

20 (1) Conduct a data match to compare information furnished by
21 an excursion gambling boat under subsection 2 of this section with
22 information the family support division furnishes on individuals who
23 owe past-due support or state debt;

24 (2) Direct the excursion gambling boat to withhold from an
25 individual's net gambling winnings all amounts not exceeding the total
26 past-due support and state debt owed by the individual;

27 (3) Authorize the excursion gambling boat, in reimbursement of
28 its costs of complying with this section, to withhold and retain from
29 such net gambling winnings an amount equal to two percent of the
30 amount to be withheld under subdivision (2) of this subsection, which
31 amount shall be taken first from any excess of such net winnings above
32 the amount withheld under subdivision (2) of this section, with any
33 balance taken from the amount so withheld; and

34 (4) Require the excursion gambling boat to furnish written
35 notice to the individual whose gambling winnings are withheld under
36 this section, that includes:

37 (a) The amounts withheld under subdivisions (2) and (3) of this
38 subsection;

39 (b) The reason and authority for the withholding; and

40 (c) An explanation of the individual's procedural due process
41 rights, including the right to contest such withholding to the family
42 support division and information necessary to contact the division.

43 4. Net amounts withheld for past-due support and state debt
44 under subdivisions (2) and (3) of subsection 3 of this section shall be
45 transferred by the excursion gambling boat to the family support
46 payment center at the same time as amounts withheld under section
47 3402(q) of the Internal Revenue Code of 1986 are transferred to the
48 Internal Revenue Service, together with the winning individual's name
49 and social security number.

50 5. An excursion gambling boat shall not be liable under any
51 federal or state law to any person:

52 (1) For any disclosure of information to the family support

53 **division or the Missouri gaming commission under this section;**

54 **(2) For withholding or surrendering gambling winnings in**
55 **accordance with this section; or**

56 **(3) For any other action taken in good faith to comply with this**
57 **section.**

58 **6. In this section, the term "gambling winnings" means the**
59 **proceeds of a wager that are subject to reporting under section 6041 of**
60 **the Internal Revenue Code of 1986.**

454.511. The division may certify a person who owes a child support
2 arrearage in [an] **excess of the** amount [exceeding five thousand dollars] **set**
3 **forth in 42 U.S.C. 654(31)** to the appropriate federal government agency for the
4 purpose of denying a passport to such person, or revoking, suspending or limiting
5 a passport previously issued to such person. Such person shall be mailed, by the
6 division or on behalf of the division, a notice of the proposed certification and the
7 consequences thereof upon such person. Within thirty days of receipt of the
8 notice, the person may contest the proposed certification by requesting in writing
9 a hearing pursuant to the procedures in section 454.475. At such hearing the
10 obligor may assert only mistake of fact as a defense. For purposes of this section,
11 "mistake of fact" means an error in the amount of arrearages or an error as to the
12 identity of the obligor. The obligor shall have the burden of proof on such
13 issues. The division shall not certify the person until after a final decision has
14 been reached.

454.390. The division shall use high-volume automated administrative
2 enforcement, to the same extent as used in intrastate cases, in response to a
3 request made by another state child support agency to enforce a support order
4 and promptly report the results to the requesting state. If the division provides
5 assistance to another state in such a case, neither this state nor the requesting
6 state shall consider the case to be transferred to its caseload[; however], **but the**
7 **division may establish a corresponding case based on such other state's**
8 **request for assistance.** The division shall maintain records of the number of
9 such interstate requests for assistance, the number of cases for which support
10 was collected and the amounts of such collections. The division is authorized to
11 transmit to another state, by electronic or other means, a request for assistance
12 in a case involving the enforcement of a support order. Such request shall:

13 (1) Include information to enable the receiving state to compare the
14 information about the case to the information in state databases; and

15 (2) Constitute a certification by the division of the arrearage amount
16 under the order and that the division has complied with all applicable procedural
17 due process requirements as provided for in this chapter.

454.440. 1. As used in this section, unless the context clearly indicates
2 otherwise, the following terms mean:

3 (1) "Business" includes any corporation, partnership, association,
4 individual, and labor or other organization including, but not limited to, a public
5 utility or cable company;

6 (2) "Division", the Missouri division of child support enforcement of the
7 department of social services;

8 (3) "Financial entity" includes any bank, trust company, savings and loan
9 association, credit union, insurance company, or any corporation, association,
10 partnership, or individual receiving or accepting money or its equivalent on
11 deposit as a business;

12 (4) "Government agency", any department, board, bureau or other agency
13 of this state or any political subdivision of the state;

14 (5) "Information" includes, but is not necessarily limited to, the following
15 items:

16 (a) Full name of the parent;

17 (b) Social Security number of the parent;

18 (c) Date of birth of the parent;

19 (d) Last known mailing and residential address of the parent;

20 (e) Amount of wages, salaries, earnings or commissions earned by or paid
21 to the parent;

22 (f) Number of dependents declared by the parent on state and federal tax
23 information and reporting forms;

24 (g) Name of company, policy numbers and dependent coverage for any
25 medical insurance carried by or on behalf of the parent;

26 (h) Name of company, policy numbers and cash values, if any, for any life
27 insurance policies or annuity contracts, carried by or on behalf of, or owned by,
28 the parent;

29 (i) Any retirement benefits, pension plans or stock purchase plans
30 maintained on behalf of, or owned by, the parent and the values thereof, employee
31 contributions thereto, and the extent to which each benefit or plan is vested;

32 (j) Vital statistics, including records of marriage, birth or divorce;

33 (k) Tax and revenue records, including information on residence address,

34 employer, income or assets;

35 (l) Records concerning real or personal property;

36 (m) Records of occupational, professional or recreational licenses or
37 permits;

38 (n) Records concerning the ownership and control of corporations,
39 partnerships or other businesses;

40 (o) Employment security records;

41 (p) Records concerning motor vehicles;

42 (q) Records of assets or liabilities;

43 (r) Corrections records;

44 (s) Names and addresses of employers of parents;

45 (t) Motor vehicle records; and

46 (u) Law enforcement records;

47 (6) "Parent", a biological or adoptive parent, including a presumed or
48 putative father. **The word "parent" shall also include any person who has
49 been found to be such by:**

50 **(a) A court of competent jurisdiction in an action for dissolution
51 of marriage, legal separation, or establishment of the parent and child
52 relationship;**

53 **(b) The division under section 454.485;**

54 **(c) Operation of law under section 210.823, RSMo; or**

55 **(d) A court or administrative tribunal of another state.**

56 2. For the purpose of locating and determining financial resources of the
57 parents relating to establishment of paternity or to establish, modify or enforce
58 support orders, the division or other state IV-D agency may request and receive
59 information from the federal Parent Locator Service, from available records in
60 other states, territories and the District of Columbia, from the records of all
61 government agencies, and from businesses and financial entities. A request for
62 information from a public utility or cable television company shall be made by
63 subpoena authorized pursuant to this chapter. The government agencies,
64 businesses, and financial entities shall provide information, if known or
65 chronicled in their business records, notwithstanding any other provision of law
66 making the information confidential. In addition, the division may use all
67 sources of information and available records and, pursuant to agreement with the
68 secretary of the United States Department of Health and Human Services, or the
69 secretary's designee, request and receive from the federal Parent Locator Service

70 information pursuant to 42 U.S.C. Sections 653 and 663, to determine the
71 whereabouts of any parent or child when such information is to be used to locate
72 the parent or child to enforce any state or federal law with respect to the
73 unlawful taking or restraining of a child, or of making or enforcing a child
74 custody or visitation order.

75 3. Notwithstanding the provisions of subsection 2 of this section, no
76 financial entity shall be required to provide the information requested by the
77 division or other state IV-D agency unless the division or other state IV-D agency
78 alleges that the parent about whom the information is sought is an officer, agent,
79 member, employee, depositor, customer or the insured of the financial institution,
80 or unless the division or other state IV-D agency has complied with the provisions
81 of section 660.330, RSMo.

82 4. Any business or financial entity which has received a request from the
83 division or other state IV-D agency as provided by subsections 2 and 3 of this
84 section shall provide the requested information or a statement that any or all of
85 the requested information is not known or available to the business or financial
86 entity, within sixty days of receipt of the request and shall be liable to the state
87 for civil penalties up to one hundred dollars for each day after such sixty-day
88 period in which it fails to provide the information so requested. Upon request of
89 the division or other state IV-D agency, the attorney general shall bring an action
90 in a circuit court of competent jurisdiction to recover the civil penalty. The court
91 shall have the authority to determine the amount of the civil penalty to be
92 assessed.

93 5. Any business or financial entity, or any officer, agent or employee of
94 such entity, participating in good faith in providing information requested
95 pursuant to subsections 2 and 3 of this section shall be immune from liability,
96 civil or criminal, that might otherwise result from the release of such information
97 to the division.

98 6. Upon request of the division or other state IV-D agency, any parent
99 shall complete a statement under oath, upon such form as the division or other
100 state IV-D agency may specify, providing information, including, but not
101 necessarily limited to, the parent's monthly income, the parent's total income for
102 the previous year, the number and name of the parent's dependents and the
103 amount of support the parent provides to each, the nature and extent of the
104 parent's assets, and such other information pertinent to the support of the
105 dependent as the division or other state IV-D agency may request. Upon request

106 of the division or other state IV-D agency, such statements shall be completed
107 annually. Failure to comply with this subsection is a class A misdemeanor.

108 7. The disclosure of any information provided to the business or financial
109 entity by the division or other state IV-D agency, or the disclosure of any
110 information regarding the identity of any applicant for or recipient of public
111 assistance, by an officer or employee of any business or financial entity, or by any
112 person receiving such information from such employee or officer is
113 prohibited. Any person violating this subsection is guilty of a class A
114 misdemeanor.

115 8. Any person who willfully requests, obtains or seeks to obtain
116 information pursuant to this section under false pretenses, or who willfully
117 communicates or seeks to communicate such information to any agency or person
118 except pursuant to this chapter, is guilty of a class A misdemeanor.

119 9. For the protection of applicants and recipients of services pursuant to
120 sections 454.400 to 454.645, all officers and employees of, and persons and
121 entities under contract to, the state of Missouri are prohibited, except as
122 otherwise provided in this subsection, from disclosing any information obtained
123 by them in the discharge of their official duties relative to the identity of
124 applicants for or recipients of services or relating to proceedings or actions to
125 establish paternity or to establish or enforce support, or relating to the contents
126 of any records, files, papers and communications, except in the administration of
127 the child support program or the administration of public assistance, including
128 civil or criminal proceedings or investigations conducted in connection with the
129 administration of the child support program or the administration of public
130 assistance. Such officers, employees, persons or entities are specifically prohibited
131 from disclosing any information relating to the location of one party to another
132 party:

- 133 (1) If a protective order has been entered against the other party; or
134 (2) If there is reason to believe that such disclosure of information may
135 result in physical or emotional harm to the other party.

136 In any judicial proceedings, except such proceedings as are directly concerned
137 with the administration of these programs, such information obtained in the
138 discharge of official duties relative to the identity of applicants for or recipients
139 of child support services or public assistance, and records, files, papers,
140 communications and their contents shall be confidential and not admissible in
141 evidence. Nothing in this subsection shall be construed to prohibit the circuit

142 clerk from releasing information, not otherwise privileged, from court records for
143 reasons other than the administration of the child support program, if such
144 information does not identify any individual as an applicant for or recipient of
145 services pursuant to sections 454.400 to 454.645. Anyone who purposely or
146 knowingly violates this subsection is guilty of a class A misdemeanor.

454.455. 1. In any case wherein an order for child support has been
2 entered and the legal custodian and obligee pursuant to the order relinquishes
3 physical custody of the child to a caretaker relative without obtaining a
4 modification of legal custody, and the caretaker relative makes an assignment of
5 support rights to the division of family services in order to receive aid to families
6 with dependent children benefits, the relinquishment and the assignment, by
7 operation of law, shall transfer the child support obligation pursuant to the order
8 to the division in behalf of the state. The assignment shall terminate when the
9 caretaker relative no longer has physical custody of the child, except for those
10 unpaid support obligations still owing to the state pursuant to the assignment at
11 that time.

12 2. As used in subsection 1 of this section, the term "caretaker relative"
13 includes only those persons listed in subdivision (2) of subsection 1 of section
14 208.040, RSMo.

15 3. If an order for child support has been entered, no assignment of support
16 has been made, and the legal custodian and obligee under the order relinquishes
17 physical custody of the child to a caretaker relative without obtaining a
18 modification of legal custody, or the child is placed by the court in the legal
19 custody of a state agency, the division may, thirty days after the transfer of
20 custody and upon notice to the obligor and obligee, direct the obligor or other
21 payor to change the payee to the caretaker relative or appropriate state
22 agency. [Such] **An order changing the payee to a caretaker relative** shall
23 terminate when the caretaker relative no longer has physical custody of the child,
24 or the state agency is relieved of legal custody, except for the unpaid support
25 obligations still owed to the caretaker relative **or the state**.

26 4. If there has been an assignment of support to an agency or division of
27 the state or a requirement to pay through a state disbursement unit, the division
28 may, upon notice to the obligor and obligee, direct the obligor or other payor to
29 change the payee to the appropriate state agency.

454.460. As used in sections 454.400 to 454.560, unless the context clearly
2 indicates otherwise, the following terms mean:

3 (1) "Court", any circuit court of this state and any court or agency of any
4 other state having jurisdiction to determine the liability of persons for the
5 support of another person;

6 (2) "Court order", any judgment, decree, or order of any court which orders
7 payment of a set or determinable amount of support money;

8 (3) "Department", the department of social services of the state of
9 Missouri;

10 (4) "Dependent child", any person under the age of twenty-one who is not
11 otherwise emancipated, self-supporting, married, or a member of the armed forces
12 of the United States;

13 (5) "Director", the director of the division of child support enforcement, or
14 the director's designee;

15 (6) "Division", the division of child support enforcement of the department
16 of social services of the state of Missouri;

17 (7) "IV-D agency", an agency designated by a state to administer programs
18 under Title IV-D of the Social Security Act;

19 (8) "IV-D case", a case in which services are being provided pursuant to
20 section 454.400;

21 (9) "Obligee", any person, **state, or political subdivision** to whom
22 [payments are required to be made pursuant to the terms of a court order for a
23 child, spouse or former spouse] **or to which a duty of support is owed as**
24 **determined by a court or administrative agency of competent**
25 **jurisdiction;**

26 (10) "Obligor", any person [required to make payments pursuant to the
27 terms of a court order for a child, spouse or former spouse] **who owes a duty of**
28 **support as determined by a court or administrative agency of**
29 **competent jurisdiction;**

30 (11) "Parent", [the] a biological or adoptive [father or mother of a
31 dependent child] **parent, including a presumed or putative father. The**
32 **word "parent" shall also include any person who has been found to be**
33 **such by:**

34 (a) **A court of competent jurisdiction in an action for dissolution**
35 **of marriage, legal separation, or establishment of the parent and child**
36 **relationship;**

37 (b) **The division under section 454.485;**

38 (c) **Operation of law under section 210.823, RSMo; or**

39 **(d) A court or administrative tribunal of another state;**

40 (12) "Public assistance", any cash or benefit pursuant to Part IV-A, **Part**
41 **IV-B, Part IV-E**, or Title XIX of the federal Social Security Act paid by the
42 department to or for the benefit of any dependent child or any public assistance
43 assigned to the state;

44 (13) "State", any state or political subdivision, territory or possession of
45 the United States, District of Columbia, and the Commonwealth of Puerto Rico;

46 (14) "Support order", a judgment, decree or order, whether temporary,
47 final or subject to modification, issued by a court or administrative agency of
48 competent jurisdiction for the support and maintenance of a child, including a
49 child who has attained the age of majority pursuant to the law of the issuing
50 state, or of the parent with whom the child is living and providing monetary
51 support, health care, child care, arrearages or reimbursement for such child, and
52 which may include related costs and fees, interest and penalties, income
53 withholding, attorneys' fees and other relief.

454.470. 1. [If a court order has not been previously entered or if a
2 support order has been entered but is not entitled to recognition pursuant to
3 sections 454.850 to 454.997,] The director may issue a notice and finding of
4 financial responsibility to a parent who owes a state debt or who is responsible
5 for the support of a child on whose behalf the custodian of that child is receiving
6 support enforcement services from the division pursuant to section 454.425 **if a**
7 **court order has not been previously entered against that parent, a**
8 **court order has been previously entered but has been terminated by**
9 **operation of law, or if a support order from another state has been**
10 **entered but is not entitled to recognition under sections 454.850 to**
11 **454.997. [A copy] Service** of the notice and finding shall be mailed to the last

12 known address of both parents and any person or agency having custody of the
13 child within fourteen days of the issuance of such notice and finding. When
14 appropriate to the circumstances of the individual action, the notice shall state:

15 (1) The name of the person or agency with custody of the dependent child
16 and the name of the dependent child for whom support is to be paid;

17 (2) The monthly future support for which the parent shall be responsible;

18 (3) The state debt, if any, accrued and accruing, and the monthly payment
19 to be made on the state debt which has accrued;

20 (4) A statement of the costs of collection, including attorney's fees, which
21 may be assessed against the parent;

22 (5) That the parent shall be responsible for providing medical insurance
23 for the dependent child;

24 (6) That if a parent desires to discuss the amount of support that should
25 be paid, the parent or person having custody of the child may, within twenty days
26 after being served, contact the division office which sent the notice and request
27 a negotiation conference. The other parent or person having custody of the child
28 shall be notified of the negotiated conference and may participate in the
29 conference. If no agreement is reached on the monthly amount to be paid, the
30 director may issue a new notice and finding of financial responsibility, which may
31 be sent to the parent required to pay support by regular mail addressed to the
32 parent's last known address or, if applicable, the parent's attorney's last known
33 address. A copy of the new notice and finding shall be sent by regular mail to the
34 other parent or person having custody of the child;

35 (7) That if a parent or person having custody of the child objects to all or
36 any part of the notice and finding of financial responsibility and no negotiation
37 conference is requested, within twenty days of the date of service the parent or
38 person having custody of the child shall send to the division office which issued
39 the notice a written response which sets forth any objections and requests a
40 hearing; and, that if the director issues a new notice and finding of financial
41 responsibility, the parent or person having custody of the child shall have twenty
42 days from the date of issuance of the new notice to send a hearing request;

43 (8) That if such a timely response is received by the appropriate division
44 office, and if such response raises factual questions requiring the submission of
45 evidence, the parent or person having custody of the child shall have the right to
46 a hearing before an impartial hearing officer who is an attorney licensed to
47 practice law in Missouri and, that if no timely written response is received, the
48 director may enter an order in accordance with the notice and finding of financial
49 responsibility;

50 (9) That the parent has the right to be represented at the hearing by an
51 attorney of the parent's own choosing;

52 (10) That the parent or person having custody of the child has the right
53 to obtain evidence and examine witnesses as provided for in chapter 536, RSMo,
54 together with an explanation of the procedure the parent or person having
55 custody of the child shall follow in order to exercise such rights;

56 (11) That as soon as the order is entered, the property of the parent
57 required to pay support shall be subject to collection actions, including, but not

58 limited to, wage withholding, garnishment, liens, and execution thereon;

59 (12) A reference to sections 454.460 to 454.510;

60 (13) That the parent is responsible for notifying the division of any change
61 of address or employment;

62 (14) That if the parent has any questions, the parent should telephone or
63 visit the appropriate division office or consult an attorney; and

64 (15) Such other information as the director finds appropriate.

65 2. The statement of periodic future support required by subdivision (2) of
66 subsection 1 of this section is to be computed [as follows:

67 (1) If there is sufficient information available to the division regarding the
68 parent's financial and living situation, the scale and formula provided for in
69 section 454.480 shall be used; or

70 (2) If there is insufficient information available to use the scale and
71 formula, an estimate of ability to pay shall be the basis of the statement] **under**
72 **the guidelines established in subsection 8 of section 452.340.**

73 3. Any time limits for notices or requests may be extended by the director,
74 and such extension shall have no effect on the jurisdiction of the court,
75 administrative body, or other entity having jurisdiction over the proceedings.

76 4. If a timely written response setting forth objections and requesting a
77 hearing is received by the appropriate division office, and if such response raises
78 a factual question requiring the submission of evidence, a hearing shall be held
79 in the manner provided by section 454.475. If no timely written response and
80 request for hearing is received by the appropriate division office, the director may
81 enter an order in accordance with the notice, and shall specify:

82 (1) The amount of periodic support to be paid, with directions on the
83 manner of payment;

84 (2) The amount of state debt, if any, accrued in favor of the department;

85 (3) The monthly payment to be made on state debt, if any;

86 (4) The amount of costs of collection, including attorney's fees, assessed
87 against the parent;

88 (5) The name of the person or agency with custody of the dependent child
89 and the name and birth date of the dependent child for whom support is to be
90 paid;

91 (6) That the property of the parent is subject to collection actions,
92 including, but not limited to, wage withholding, garnishment, liens, and execution
93 thereon; and

94 (7) If appropriate, that the parent shall provide medical insurance for the
95 dependent child, or shall pay the reasonable and necessary medical expenses of
96 the dependent child.

97 5. The parent or person having custody of the child shall be sent a copy
98 of the order by [registered or certified mail, return receipt requested,] **regular**
99 **mail** addressed to the parent's last known address or, if applicable, the parent's
100 attorney's last known address. The order is final, and action by the director to
101 enforce and collect upon the order, including arrearages, may be taken from the
102 date of issuance of the order. [A copy of the order shall also be sent by regular
103 mail to the person having custody of a child for whom an order is issued pursuant
104 to this section.]

105 6. Copies of the orders issued pursuant to this section shall be mailed
106 within fourteen days of the issuance of the order.

107 7. Any parent or person having custody of the child who is aggrieved as
108 a result of any allegation or issue of fact contained in the notice and finding of
109 financial responsibility shall be afforded an opportunity for a hearing, upon the
110 request in writing filed with the director not more than twenty days after service
111 of the notice and finding is made upon such parent or person having custody of
112 the child, and if in requesting such hearing, the aggrieved parent or person
113 having custody of the child raises a factual issue requiring the submission of
114 evidence.

115 8. **At any time after the issuance of an order under this section,**
116 **the director may issue an order vacating that order if it is found that**
117 **the order was issued without subject matter or personal jurisdiction or**
118 **if the order was issued without affording the obligor due process of**
119 **law.**

454.496. 1. At any time after the entry of a court order for child support
2 in a case in which support rights have been assigned to the state pursuant to
3 section 208.040, RSMo, or a case in which support enforcement services are being
4 provided pursuant to section 454.425, the obligated parent, the obligee or the
5 division of child support enforcement may file a motion to modify the existing
6 child support order pursuant to this section, if a review has first been completed
7 by the director of child support enforcement pursuant to subdivision (13) of
8 subsection 2 of section 454.400. The motion shall be in writing in a form
9 prescribed by the director, shall set out the reasons for modification and shall
10 state the telephone number and address of the moving party. The motion shall

11 be served in the same manner provided for in subsection 5 of section 454.465
12 upon the obligated parent, the obligee and the division, as appropriate. In
13 addition, if the support rights are held by the division of family services on behalf
14 of the state, the moving party shall mail a true copy of the motion by certified
15 mail to the person having custody of the dependent child at the last known
16 address of that person. The party against whom the motion is made shall have
17 thirty days either to resolve the matter by stipulated agreement or to serve the
18 moving party and the director, as appropriate, by regular mail with a written
19 response setting forth any objections to the motion and a request for
20 hearing. When requested, the hearing shall be conducted pursuant to section
21 454.475 by hearing officers designated by the department of social services. In
22 such proceedings, the hearing officers shall have the authority granted to the
23 director pursuant to subsection 6 of section 454.465.

24 2. When no objections and request for hearing have been served within
25 thirty days, the director, upon proof of service, shall enter an order granting the
26 relief sought. Copies of the order shall be mailed to the parties within fourteen
27 days of issuance.

28 3. A motion to modify made pursuant to this section shall not stay the
29 director from enforcing and collecting upon the existing order unless so ordered
30 by the court in which the order is docketed.

31 4. The only support payments which may be modified are payments
32 accruing subsequent to the service of the motion upon all parties to the motion.

33 5. The party requesting modification shall have the burden of proving that
34 a modification is appropriate pursuant to the provisions of section 452.370, RSMo.

35 6. Notwithstanding the provisions of section 454.490 to the contrary, an
36 administrative order modifying a court order is not effective until the
37 administrative order is filed with and approved by the court that entered the
38 court order. The court may approve the administrative order if no party affected
39 by the decision has filed a petition for judicial review pursuant to sections
40 536.100 to 536.140, RSMo. After the thirty-day time period for filing a petition
41 of judicial review pursuant to chapter 536, RSMo, has passed, the court shall
42 render its decision within fifteen days. **If the court finds the administrative**
43 **order should be approved, the court shall make a written finding on the**
44 **record that the order complies with section 452.340, RSMo, and**
45 **applicable supreme court rules and approve the order. If the court**
46 **finds that the administrative order should not be approved, the court**

47 **shall set the matter for trial de novo.**

48 7. If a petition for judicial review is filed, the court shall review all
49 pleadings and the administrative record, as defined in section 536.130, RSMo,
50 pursuant to section 536.140, RSMo. After such review, the court shall determine
51 if the administrative order complies with section 452.340, **RSMo**, and applicable
52 supreme court rules. If it so determines, the court shall make a written finding
53 on the record that the order complies with section 452.340, **RSMo**, and applicable
54 supreme court rules and approve the order or, if after review pursuant to section
55 536.140, RSMo, the court finds that the administrative order does not comply
56 with supreme court rule 88.01, the court may select any of the remedies set forth
57 in subsection 5 of section 536.140, RSMo. The court shall notify the parties and
58 the division of any setting pursuant to this section.

59 [7.] 8. Notwithstanding the venue provisions of chapter 536, RSMo, to the
60 contrary, for the filing of petitions for judicial review of final agency decisions and
61 contested cases, the venue for the filing of a petition for judicial review contesting
62 an administrative order entered pursuant to this section modifying a judicial
63 order shall be in the court which entered the judicial order. In such cases in
64 which a petition for judicial review has been filed, the court shall consider the
65 matters raised in the petition and determine if the administrative order complies
66 with section 452.340, **RSMo**, and applicable supreme court rules. If the court
67 finds that the administrative order should not be approved, the court shall set the
68 matter for trial de novo. The court shall notify the parties and the division of the
69 setting of such proceeding. If the court determines that the matters raised in the
70 petition are without merit and that the administrative order complies with the
71 provisions of section 452.340, **RSMo**, and applicable supreme court rules, the
72 court shall approve the order.

 511.350. 1. Judgments and decrees entered by the supreme court, by any
2 United States district or circuit court held within this state, by any district of the
3 court of appeals, by any circuit court and any probate division of the circuit court,
4 except judgments and decrees rendered by associate, small claims and municipal
5 divisions of the circuit courts, shall be liens on the real estate of the person
6 against whom they are entered, situate in the county for which or in which the
7 court is held.

8 2. Judgments and decrees rendered by the associate divisions of the
9 circuit courts shall not be liens on the real estate of the person against whom
10 they are rendered until such judgments or decrees are filed with the clerk of the

11 circuit court pursuant to sections 517.141 and 517.151, RSMo.

12 3. Judgments and decrees entered by the small claims and municipal
13 divisions of the circuit court shall not constitute liens against the real estate of
14 the person against whom they are rendered.

15 4. Notwithstanding any other provision of law, no judgments or decrees
16 entered by any court of competent jurisdiction may be amended or modified by
17 any administrative agency.

18 **5. Notwithstanding subsection 4 of this section or any other law**
19 **to the contrary, no judgments or decrees entered by any court of**
20 **competent jurisdiction relating to child support orders may be**
21 **amended or modified by any administrative agency without the**
22 **approval of a court of competent jurisdiction.**

[454.480. In order to assist in determining the amount that
2 a parent shall be ordered to contribute toward the support of a
3 dependent child, the division shall establish by regulation a scale
4 and formula for determining minimum support obligations. The
5 scale and formula shall take into account the following factors:

6 (1) All earnings and income resources of the parents,
7 including real and personal property;

8 (2) The reasonable necessities of the parent;

9 (3) The needs of the dependent child for whom support is
10 sought;

11 (4) The amount of public assistance which would be paid to
12 the dependent child under the full standard of need of the state's
13 public assistance plan;

14 (5) The existence of other dependents, except that the
15 dependent child for whom support is sought shall benefit from the
16 income and resources of the parent on an equitable basis in
17 comparison with any other dependent of the parent;

18 (6) Other reasonable criteria which the division may choose
19 to incorporate.]

[454.810. 1. For all IV-D cases as defined by section
2 452.345, RSMo, the division of child support enforcement shall
3 determine support arrearages and credits by consent of the parties
4 to the support order or by use of the administrative order process
5 set out in section 454.476.

6 2. Notwithstanding any provisions of section 454.475 to the
7 contrary, hearings pursuant to this section may be requested by
8 either party and may be conducted by nonattorney hearing officers
9 specially designated by the department of social services. Any
10 person adversely affected by any hearing decisions pursuant to this
11 section may obtain judicial review pursuant to sections 536.100 to
12 536.140, RSMo.

13 3. Any support arrearage and credit determination
14 established pursuant to this section and all documentation that
15 forms the basis for the determination shall be filed with the circuit
16 clerk and shall be considered part of the official trusteeship record
17 if filed prior to October 1, 1999, or if filed after such date, as part
18 of the records of the payment center pursuant to this chapter for all
19 purposes.]

✓

Bill

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